

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA,	§	
Plaintiff,	§	
v.	§	CIVIL ACTION NO.
	§	
1,983 ROUNDS ASSORTED	§	
AMMUNITION,	§	
Defendant.	§	

COMPLAINT FOR FORFEITURE IN REM

The United States files this action for forfeiture *in rem* and alleges upon information and belief:

Nature of the Action

1. This action is brought by the United States of America seeking forfeiture of the following property pursuant to 18 U.S.C. § 924(d):

(a) 1,983 rounds of assorted ammunition.
(Collectively, the “Defendant Property”)

2. On or about October 15, 2021, law enforcement officers seized the Defendant Property from a residence located in Spring, Texas, within the Southern District of Texas. The Defendant Property is in the custody of the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (hereinafter “ATF”).

3. Claimant Garrett Black filed an administrative claim to the Defendant Property with ATF, which has halted the agency’s forfeiture proceeding of the Defendant Property.

Jurisdiction and Venue

4. The Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1345 and 1355.

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1355(b)(1), 1391(b), and 1395.

Statutory Basis for Forfeiture

6. The Defendant Property is subject to forfeiture under 18 U.S.C. § 924(d)(1), which provides for the forfeiture of any firearm or ammunition involved in or used in any knowing violation of 18 U.S.C. § 922(g). Under Section 922(g)(4), it is unlawful for a person, who has been adjudicated as a mental defective or who has been committed to a mental institution, to possess in or affecting commerce, any firearm or ammunition or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

7. The Defendant Property has been shipped or transported in interstate commerce.

Facts

8. The facts justifying forfeiture are fully set forth in the Verification Affidavit of ATF Special Agent Kevin Istre, attached hereto and incorporated herein as Exhibit “A” filed under seal.

9. Under the facts alleged in Exhibit A, the Defendant Property is subject to forfeiture because it was involved in knowing violations of 18 U.S.C. § 922(g)(4).

Notice to Any Potential Claimants

YOU ARE HEREBY NOTIFIED that if you assert an interest in the Defendant Property which are subject to forfeiture and want to contest the forfeiture, you must file a verified claim which fulfills the requirements set forth in Rule G of the Supplemental Rules for Admiralty of Maritime Claims and Asset Forfeiture Actions. A verified claim must be filed no later than thirty-five (35) days from the date this Complaint has been sent in accordance with Rule G(4)(b).

An answer or motion under Rule 12 of the Federal Rules of Civil Procedure must be filed no later than twenty-one (21) days after filing the claim. The claim and answer must be filed with the United States District Clerk for the Southern District of Texas at United States Courthouse, 515 Rusk Avenue, Houston, Texas 77002, and a copy must be served upon the undersigned Assistant United States Attorney at United States Attorney's Office, 1000 Louisiana Suite 2300, Houston, Texas 77002.

Prayer

Wherefore, the United States of America prays that judgment of forfeiture be entered against the Defendant Property in favor of the United States of America under 18 U.S.C. § 924(d)(1) in addition to such costs and other relief to which the United States of America may be entitled.

Respectfully submitted,

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